

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FILED - GR**

January 22, 2013 12:27 PM  
TRACEY CORDES, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

BY aid / SCANNED BY: AW 2-22

UNITED STATES OF AMERICA,

Plaintiff-in-error,

vs.

Daniel Doyle Benham,

Defendant-in-error,

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CASE NO. 1:07-cr-94

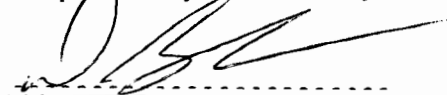
MOTION TO DISMISS UNDER RULE 12(b)(2)  
OF THE FEDERAL RULES OF CRIMINAL PROCEDURE (FRCRIMP);  
PROPOSAL OF FEDERAL QUESTION WITH REQUEST TO HOLD OR DENY;  
AND MEMORANDUM OF LAW IN SUPPORT

The Defendant-in-error moves to dismiss the action because:

1. The Government unmistakably failed to evidence it's required basis for subject matter jurisdiction in order to conduct a criminal trial against Benham.
2. The Government unmistakably failed to evidence the specific Congressional provision providing the federal district court with subject matter jurisdiction over the acts or events in this matter.

Dated: 1-16-13

Respectfully Submitted,



Daniel Doyle Benham  
Defendant-in-error  
c/o 13727-040 (in error)  
F.C.I. Elkton  
P.O. Box 10  
Lisbon, Ohio 44432